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ENVIRONMENTAL ASSESSMENT PROGRAM

Improvement Project

Environment
Ontario

Jim Bradley
Minister

AN INTRODUCTION TO THE PROJECT

April, 1988

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1.0 INTRODUCTION

The review of the Environmental Assessment process is part of the Ontario Government's commitment to improve a number of its current environmental programs and legislation. This project has been established for the purpose of updating and improving the province's environmental assessment (EA) program.

The Government is committed to the concept of environmental assessment. The environmental assessment process has been a valuable tool for preventing environmental damage. It is a planning instrument that has promoted a more ecologically sound development in Ontario. Thirteen years experience implementing the Environmental Assessment Act, however, has suggested a number of areas which could be improved and updated.

The comprehensive review being undertaken has a two-fold purpose: to examine the understanding and acceptance of environmental assessment, and to ensure that the program operates in as efficient and effective a manner as possible.

To achieve this purpose, the project will examine opportunities to improve the EA program through changes in legislation, regulations, policies, guidelines and administrative practices.

A project team will actively seek and encourage the participation of environmental groups, government ministries and agencies, municipalities, business and industry, academics and the general public. A broad range of opinions, comments, ideas and recommendations from these interested parties will be a valuable contribution for improving the environmental assessment program.

The project is to be conducted in two-phases. Phase 1 will examine legislative and administrative improvements that can be implemented in the short-term. These reforms will be the subject of a paper to be released by November, 1988.

Phase 2 will examine more complex questions that will require greater research, public involvement and analysis. Future papers detailing these improvement opportunities will be released in the spring of 1989. Public comments during this period will be incorporated in a final discussion paper to be released by the spring of 1990. After comments have been received and analyzed, appropriate recommendations dealing with legislative and administrative improvements will be forwarded for approval.

There are a number of policy and administrative improvements currently underway within the Ministry. (See Appendix A).

2.0 PROJECT ACTIVITIES AND PUBLIC INVOLVEMENT

2.1 Study Approach

The study will be conducted in six general steps. (See Figure 2.1).

Step 1 - Confirmation of Topic Areas and Studies

Based on comments, concerns and recommendations received to date, the project team has developed two main topic areas, namely:

- "The Concept and Practice of EA"; and
- "The EA Act - Its Provisions, Application and Administration".

Subjects related to each topic area are detailed in Chapter 3.0. Interested groups and the general public are invited to review and provide comments on the subjects to be discussed and to offer any additions.

Step 2 - Work Plans - Data Collection and Analysis

Work Plans for each study and schedules of activities will be prepared, and priorities and resources required to conduct the necessary work will be identified. Relevant data will be gathered and documented. For example, the project team will be initiating the examination of previous experiences in the assessment process with proponents, reviewers, interested groups and others to determine what were the problems, benefits and suggested improvements.

With representatives from interested groups and the public, this data will be discussed, and options identified, evaluated and compared to test the effects of possible changes to the EA Program and options for improvements.

Step 3 - Working Papers

The results of the discussions in Step 2 will be documented in a number of working papers. This will provide a basis for discussion and input by interested parties and the public.

Step 4 - Final Discussion Paper

Any improvements or changes will take into consideration comments received on the working papers. The paper will include options and/or recommendations that address Phase 2 administrative and legislative improvements. Once it has been released, the public will have another opportunity for review and input.

Step 5 - Proposed Package of Improvements

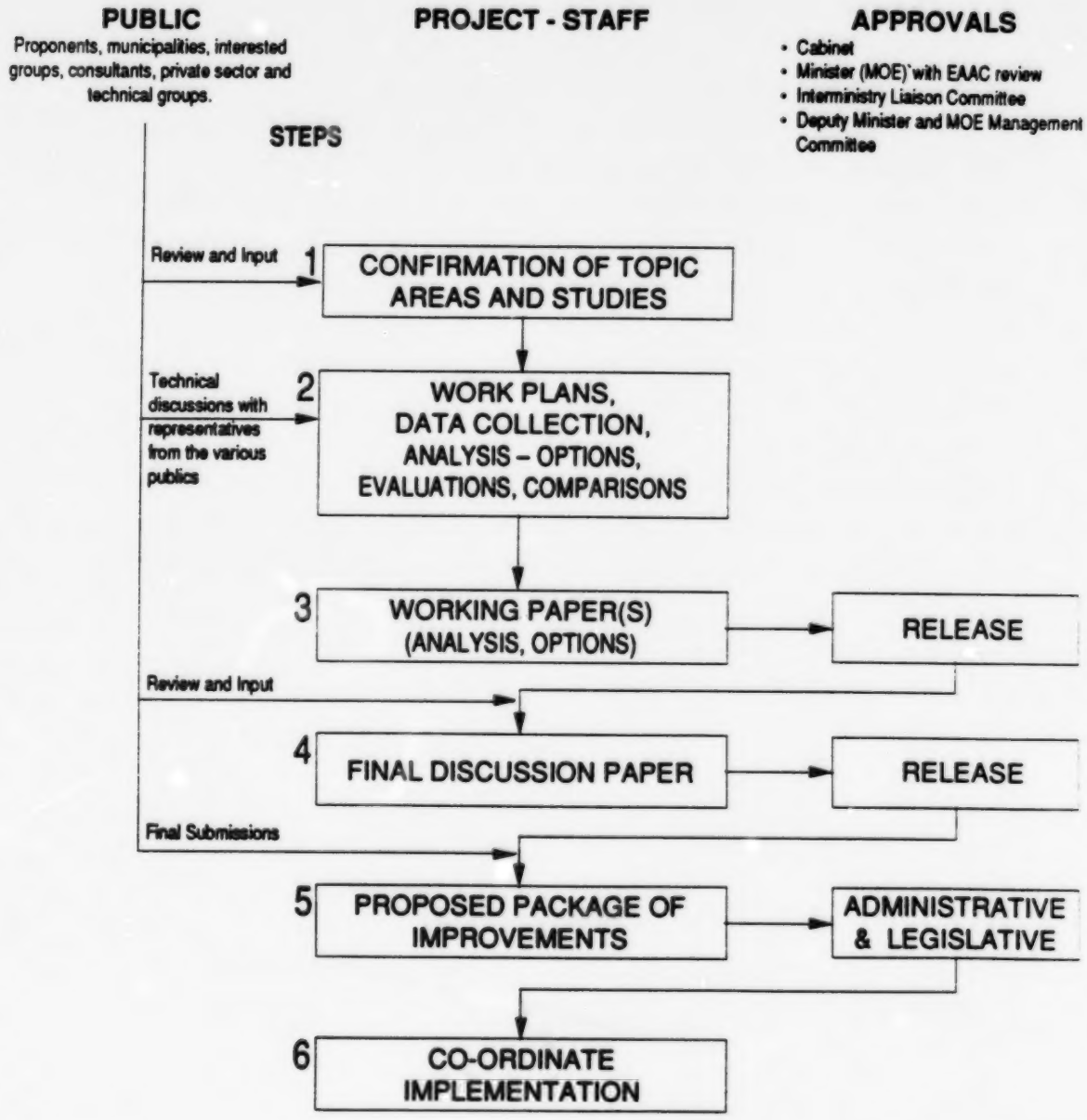
These may include amendments to current legislation; additions or revisions to existing regulations, policies and guidelines; and changes to administrative practices.

Step 6 - Coordinate Implementation

The Ministry of the Environment and other provincial ministries and agencies, municipalities and proponents will need to work together to ensure the approved changes are carried out.

FIGURE 2.1

FLOW CHART – WORK PLAN FOR EACH STUDY



2.2 Public Involvement

In keeping with the Ministry's policy of public involvement, the project team will be seeking the advice and expertise from representatives of a variety of interested parties which are involved in environmental assessment. These groups and individuals could include provincial and municipal officials, municipal governments, business organizations, environment groups, academics, native groups, independent tribunals and committees and others.

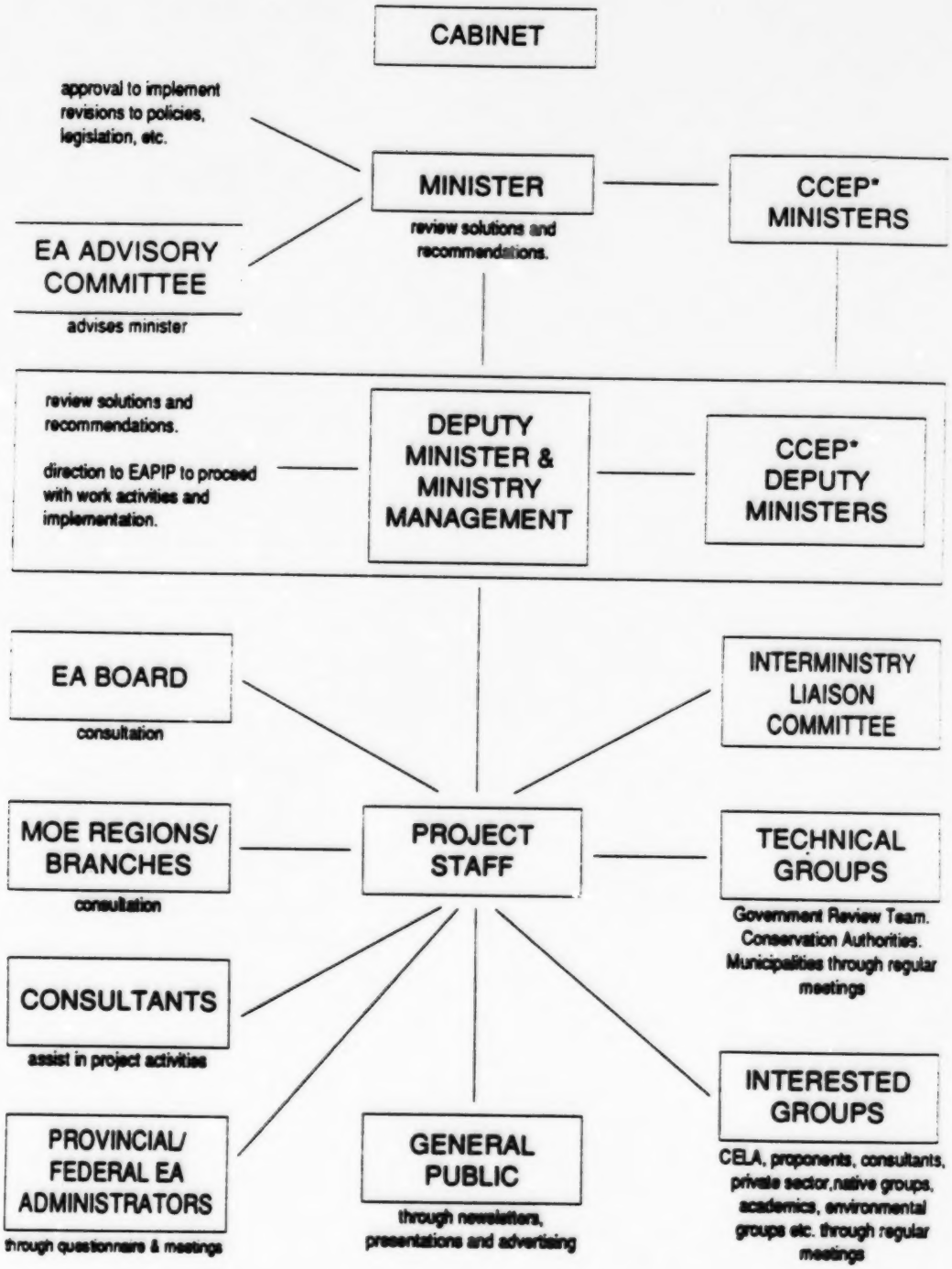
Additionally, the independent Environmental Assessment Advisory Committee (EAAC) will be asked by the Minister to advise him on the project team's recommended improvements.

Public comment and advice is welcome throughout the project; opportunities for involvement are detailed in Table 2.1.

Meetings, presentations, workshops and other approaches will provide a means for those with an interest in environmental assessment to voice their comments and concerns. Figure 2.2 illustrates the interaction between the project team and the public, including the various provincial ministries and other interested parties.

FIGURE 2.2

CO-ORDINATION AND DECISION MAKING PROCESS



*CCEP Cabinet Committee on Economic Policy

TABLE 2.1

PROJECT ACTIVITIES AND PUBLIC INVOLVEMENT

During	Project Milestones with Public
June, 1988	Discussion of work program, topic areas and proposed subjects with any interested groups and individuals.
July-December, 1988	Technical discussions on topics and subjects with representatives from interest groups.
November, 1988 - January, 1989	Release of Phase 1 paper and comment by the interest groups and general publics.
March-July, 1989	Release of a number of Phase 2 papers and comments by the interest groups and general publics.
March-June, 1990	Release of final discussion paper and public submissions.

3.0 TOPICS

Two main topic areas have been developed to group issues during the project:

- the "Concept and Practice of Environmental Assessment"; and,
- the "EA Act - Its Provisions, Application and Administration".

The first topic area deals with the conceptual basis of environmental assessment and its practices. The second focuses on the design, use and administration of the EA Act.

3.1 Concept and Practice of Environmental Assessment

The process and procedures contained in the EA Act come into effect once there is a proposal from a proponent to proceed with an undertaking. Proponents must assume responsibility for understanding and taking account of the likely environmental consequences of their actions when developing their proposals, to ensure that environmental effects are given early consideration in the decision-making process.

The project team has identified a number of matters related to the concept and practice of environmental assessment including:

- the extent to which proponents give consideration to environmental effects in developing their plans and proposals;

- the use of public consultation by proponents of undertakings including the extent, type and timing of the consultation;

- the participation of experts (such as, economists, sociologists, biologists), and government ministries and agencies in identifying and considering environmental effects in the development of proposals;

- the focusing of environmental assessment studies including defining the problem or opportunity; deciding upon the environmental effects to be studied, the extent of and methods for such studies; deciding what alternatives to examine and to what extent; and determining what interests will be affected and how those interests are to be taken into account;

- the extent to which the pratice of environmental assessment has included the consideration of the broad range of environmental effects that the EA Act requires; and

- the use of appropriate methods for conducting studies, communicating information and decision-making.

3.2 The EA Act - Its Provisions, Application and Administration

The EA Act provides a set of statutory sanctions, powers and procedures through which the Province seeks to ensure that the concept of environmental assessment is put into practice and that any undertaking subject to the Act sufficiently provides for the protection, conservation and wise management of our environment.

Amongst other things, the Act empowers the Minister of the Environment, the Environmental Assessment Board and the provincial Cabinet to approve proposed undertakings with or without conditions, or reject undertakings, to request that further research be done prior to making a decision on an undertaking and to determine if an undertaking is subject to the Act.

The project team intends to review the following matters when identifying and considering opportunities to improve the effectiveness, efficiency, and fairness of the environmental assessment program.

° the scope, appropriateness, and clarity of provisions of the EA Act in respect of:

- the carrying out of environmental assessment
- what the Act applies to
- at which point in the development of a proposal a proponent must submit an EA document
- application of the Act to plans and programs
- the content of EAs
- the review of EAs
- acceptance of EAs
- approval of undertakings including the use of, and enforcement of, conditions of approval and exemption
- appeals to Cabinet on Environmental Assessment Board or Joint Board decisions and Cabinet alteration of the Boards' decisions
- exemptions
- designations
- regulations
- Class EAs

  - post approval amendment of undertakings
  - monitoring and management of undertakings and their environmental effects
  - public participation;

- criteria and procedures used in making decisions under the EA Act;

- policies, procedures, and practices used by the Ministry of the Environment in administering the provisions of the EA Act;

- the use of powers granted to the Minister of the Environment under section 32 of the EA Act;

- delegation of powers under the EA Act;

- the relationship of the EA Act to other legislation in view of the prohibition against other approvals before approval of the EA Act;

- role and practices of the Environmental Assessment Board;

- the involvement of MOE Branches other than the EA Branch in the administration of the EA Act;

- role of the Environmental Assessment Advisory Committee;

- the advantages, disadvantages and issues involved in applying the Act to the private sector; and

- the need for and nature of ongoing program improvement following completion of this project.

4.0 CONCLUSION

Responsible environmental planning is essential if we are to preserve and protect our environment and resources, not just for ourselves, but for future generations. Improving Ontario's environmental assessment process will be an important step in fulfilling this responsibility.

Public participation will be a vital and valued part of this project and we invite your views regarding the material discussed in this paper.

Please send your written comments by May 31, 1988, to:

The Honourable Jim Bradley
Minister of the Environment
15th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5
Attention: Environmental Assessment Program Improvement Project

If you would like further information, please contact Mel Plewes, Project Manager, at (416) 323-4568 or the Communications Coordinator at (416) 323-4571.

APPENDIX A
LIST OF POLICY AND ADMINISTRATIVE IMPROVEMENTS CURRENTLY UNDERWAY WITHIN THE MINISTRY

1. General Guideline for the Preparation of Environmental Assessments

2. Criteria and Procedures for Applications for Interim Expansion of Municipal Landfills

3. Revised Guide for Applications for Exemption Orders

4. Guidelines on the Preparation of Environmental Assessments on Private Energy From Waste Facilities

5. Policy for Monitoring and Enforcement of Proponent Compliance with Terms and Conditions of EA Act Approvals and Exemptions

6. Procedural Change for Notices of Receipt of an EA

7. Preliminary Environmental Assessment Review Team Guidelines

8. Reports on Evaluation of Alternative Waste Processes